

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	4:07CR3047
)	
DANIEL LEE CLEARY,)	
)	
Defendant.)	ORDER
)	

IT IS ORDERED:

1. The motion of Carlos A. Monzon to withdraw as counsel for the defendant, filing 23, is granted.

2. The Federal Public Defender for the District of Nebraska shall provide the court with a draft appointment order (CJA Form 20) for substitute counsel bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

3. The new attorney shall enter an appearance promptly upon appointment.

4. Defendant's change of plea hearing is continued from September 14 to September 28, 2007 at 2:30 p.m. before the undersigned in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.

5. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and the anticipated plea of guilty, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice.
18 U.S.C. § 3161(h)(8)(A) & (B).

6. Defendant shall appear at the hearing.

DATED this 27th day of August, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge